

STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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FILED

MAR 10 2004

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42455

PETITION OF INDIANA MUNICIPAL)
POWER AGENCY FOR APPROVAL UNDER)
IC 8-1-2.2 OF AN ELECTRIC GENERATION)
EXPANSION PROJECT FOR APPROVAL OF)
ITS PARTICIPATION IN THE PROJECT,)
FOR APPROVAL TO ISSUE BONDS TO)
FINANCE PARTICIPATION IN SUCH)
PROJECT AND FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PURSUANT TO IC 8-1-8.5)

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On March 1, 2004 pursuant to 170 I.A.C. 1-1.1-4, Indiana Municipal Power Agency ("IMPA") or ("Petitioner") filed a *Petition for Confidential and Proprietary Treatment of Certain Portions of the Exhibits to be filed on March 2, 2004 in this Cause* ("Motion"). In its Motion, the Petitioner indicates that certain information contained in various Exhibits to its Amended and Restated Direct Testimony to be filed in this cause is confidential and proprietary information ("Confidential Information") as that term is defined under Indiana Code 24-2-3-2. Information containing trade secrets is excepted from public disclosure under Indiana Code 5-14-3-4(a)(4). In support of its Motion, the Petitioner includes the sworn *Affidavit of L. Gayle Mayo*, Executive Vice President and Chief Operating Officer for IMPA ("Affidavit"). The Affidavit has been placed in the Commission's official file in this matter and is hereby incorporated by reference.

170 I.A.C. 1-1.1-4 governs the submission of confidential or privileged information to the Commission, and requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to I.C. 8-1-2-29 and I.C. 5-14-3; and, 3) the efforts the party has made to maintain the confidentiality of the information.

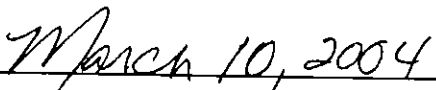
The Presiding Officer, having considered Petitioner's Motion and accompanying Affidavit, finds there is sufficient basis for determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis. Accordingly, Petitioner shall hand deliver to the Presiding Administrative Law Judge, in a sealed envelope clearly marked confidential, with the Cause No. noted thereon, the Confidential Information

which shall be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Indiana Code 5-14-3.

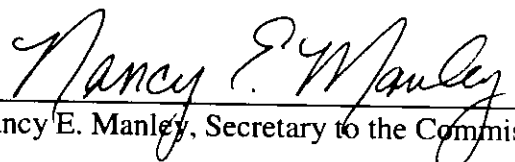
IT IS SO ORDERED:



Scott R. Storms, Chief Administrative Law Judge



Date



Nancy E. Manley, Secretary to the Commission